REMARKS

Claims 1-50 were canceled previously. Claim 51 is currently amended. Claims 52-56 are new. Claims 51-56 are pending.

Claim 51 stands rejected under 35 U.S.C. §§ 102(e) and 112, ¶1 and ¶2. The rejections are respectfully traversed in view of the amendment and remarks herein.

35 U.S.C. § 112, ¶2

Claim 51 stands rejected under 35 U.S.C. § 112, ¶2 as failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claim 51 is amended to conform to the requirements of 35 U.S.C. § 112, ¶2. Applicants thank the Examiner for the suggestions for amending the claims. In view of the amendments to claim 51, it is respectfully requested that the 35 U.S.C. § 112, ¶2 rejection be withdrawn.

35 U.S.C. § 112, ¶1

Claim 51 stands rejected under 35 U.S.C. § 112, ¶1 as failing to comply with the written description requirement because the element relating to the clearinghouse server being operable to parse HTTP commands is not disclosed. It is respectfully submitted that at least at the following description describes this element, and specifies that the clearinghouse server is capable of, among other things, analyzing information received in a message that a user has navigated from a web page (W1) to an e-commerce merchant (M1).

> Referring now to FIG. 7, another alternative referral tracking mechanism involves the transmission of referral tracking messages 71a, 72a, 73a to a clearinghouse server 51. *Thus, for example, when a user engages primary referral link 71 to navigate from web page 4 to merchant 1, a message 71a is sent to clearinghouse server 51 confirming that said user has navigated from id "W1" to id "M1."* Such messages may be sent by the referral source, destination, or appropriate system software. Upon a user's purchase of goods or services from merchant 1 in response to referral link 73, *clearinghouse server 51 utilizes information received in messages 71a-73a to determine appropriate commission distributions between primary and secondary referral sources.* (See page 32, line 17- page 33, line 7, italics supplied.)

35 U.S.C. § 102(e)

Claim 51 stands rejected under 35 U.S.C. § 102(e) as anticipated by or unpatentable over U.S. Patent Application No. 20010034646 to Hoyt, et al. ("Hoyt"). This rejection is traversed for at least the following reasons.

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Hoyt describes a system for creating a return link on a website by inserting a first website's logo or message on a second website when a user is referred/linked to the second website by the first website. The first website's logo/message maintains a presence on all webpages of the second website. Keeping the first website's logo on a second website reminds the user of the source website and provides a convenient link to click to return to the first website. (Hoyt ¶51.) Settings for the logo, e.g., location on a website, URL, etc. is included in a member profile set forth at registration. (Hoyt, ¶41.) Such registration process is described to be undertaken by a website owner. (Hoyt, ¶41.) Hoyt does not describe or contemplate any communication between a first website and a central server of referral activity. The only communication between a first website and the central server is when a website owner completes a member registration and establishes certain member profile preferences.

When a user moves from one website to a second website, according to Hoyt, a logo from the first site is inserted in the second website. (Hoyt, ¶51.) However, there is no communication to the central server of this referral. Later, if a purchase is made on a host website in Hoyt, the purchase is tracked using cookie technology, IP addresses, or using the referral website logo information, and information relating to such purchases is communicated by the host website to the central server. (Hoyt, ¶65, 68). Again, there is no description of communications between the first referring website and the central server.
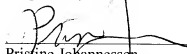
In contrast to Hoyt, as recited, claim 51 is directed to a data processing system for supporting web-based commerce and commission tracking on a multi-node network and includes an element that "a clearinghouse server in direct communication with each of said first and second affiliate servers, said clearing house server operable to parse HTTP commands data received from each of said first and second affiliate websites, said HTTP commands data including an affiliate field comprising one or more subvariables indicating referral activity." Thus, according to claim 51, the clearinghouse is in communication with an affiliate server and receives information regarding referral activity. This is important because at a transaction point on a merchant website, according to claim 51, the merchant website will "obtain information indicating each of said first and second affiliate websites from said clearinghouse server" as well as "submit information to said clearinghouse server relating to affiliate referral activity on said merchant website."

5

Thus, according to the inventions of claim 51, a clearinghouse server provides information about referral activity to the merchant website and is specifically in direct communication with the first and second affiliate websites about referral activity using "HTTP commands data including an affiliate field comprising one or more subvariables indicating referral activity." There is simply no disclosure in Hoyt of such communication. The Office Action points to ¶42-46 as describing this element of claim 51, however, it is submitted that these paragraphs merely described updating a user profile at a central server.

Thus, for at least these reasons, it is submitted that claim 51 is allowable over the cited references. Withdrawal of the rejections of claim 51 is respectfully requested. It is submitted that claims 52-56 are also allowable over the cited references for the reasons described above.

No fee (other than the extension fee authorized above) is believed due with this Response. However, if any fee is due, please charge that fee to Deposit Account No. 50-0310.

Respectfully submitted,

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6